
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

August 12, 2020

David J. Bradley, Clerk

Sportsplex of Houston, Inc.,

Plaintiff,

versus

The City of Houston, et al.,

Defendants.

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Civil Action H-20-1596

Preliminary Injunction

1. The City of Houston Fire Department and the City of Houston Police Department are dismissed as being included in the City of Houston. The City is a large, complex entity that operates through departments and agencies. As arms of the City, the actions taken by the Fire and Police Departments are done as the City.

Neither the State of Texas nor Governor Greg Abbott is a necessary or proper defendant. It would be akin to suing Congress just because the City unlawfully enforced a federal statute. (11)

2. The preliminary injunction will subsist. While close to being moot, the unconstitutional enforcement of the governor's executive orders is capable of instantaneous repetition. Also, the plague is ever-changing and may require different defensive techniques through new orders by the governor.

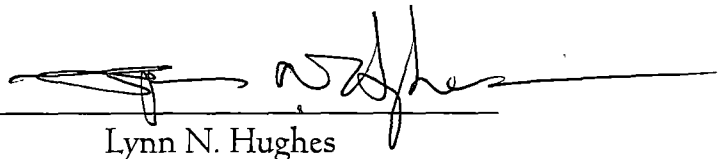
3. City of Houston may not sanction, intimidate, or occupy Sportsplex of Houston, Inc., for carrying on its business as long as Sportsplex complies with the law, including GA-28, GA-29, and all operative executive orders from the governor. Compliance is governed by the orders' plain language along with the interpretations of the Texas Attorney General.

Being mere recommendations, the guidelines and protocols encouraged by bureaucracies, public health departments, or "task-forces" have no binding authority and cannot serve as a basis for governmental intervention.

4. Because this injunction does not increase the City's costs, the bond is waived.
5. The parties must notify the court of significant changes that – for better or for worse – affect this injunction.
6. A review of the status of this injunction will be heard before Judge Lynn N. Hughes on:

November 13, 2020
at 10:30 a.m. in
Courtroom 11-C, Eleventh Floor
United States Court House
515 Rusk Avenue
Houston, Texas 77002.

Signed on August 12, 2020, at Houston, Texas.



Lynn N. Hughes
United States District Judge